United Nations A/HRC/S-24/2

General Assembly

Distr.: General
9 May 2016

Original: English

Human Rights Council
Twenty-fourth special session
17 December 2015

Report of the Human Rights Council on its twenty-fourth special session

Vice-President and Rapporteur: Mr. Mothusi Bruce Rabasha Palai (Botswana)

GE.16-07491(E)

1607491

Please recycle

I. Resolution adopted by the Human Rights Council at its twenty-fourth special session

S-24/1. Preventing the deterioration of the human rights situation in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolution 30/27 of 2 October 2015 on technical assistance and capacity-building for Burundi in the field of human rights,

Reaffirming that States have the primary responsibility for the promotion and protection of all human rights and fundamental freedoms,

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Recognizing that the international community, including the Human Rights Council, can play an important and helpful role in preventing the further deterioration of the human rights situation in Burundi by highlighting the human rights violations and abuses and the risk of escalation of the conflict,

Recognizing also the importance of the prevention of human rights violations and abuses in Burundi, especially in the context of past mass atrocities in the region,

Acknowledging that serious abuses and violations of human rights can be an early indication of a descent into conflict or escalation of conflict, as well as a consequence thereof,

Expressing grave concern about the increase in violence and the serious human rights violations and abuses in Burundi shared by the Chairperson of the Commission of the African Union in her statement on 4 November 2015 and reported in a briefing of the Security Council on 9 November 2015 by the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Political Affairs, and the Commissioner for Peace and Security of the African Union,

Reaffirming that the Arusha Agreement, which has been the basis for the Constitution of Burundi, provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy and the rule of law,

Emphasizing that mediation, the peaceful settlement of disputes, and conflict prevention and resolution can, among other tools, play an important role in preventing disputes from escalating into conflicts and conflicts from escalating further, as well as in advancing the resolution of conflicts and in preventing and/or reducing violations and abuses of human rights,

Taking note with appreciation of the support of the international community for the search for a peaceful solution to the crisis facing Burundi, including, inter alia, the efforts of the African Union, the East African Community, the African Commission on Human and

Peoples' Rights, previous independent experts on Burundi and the Peacebuilding Commission,

Welcoming Security Council resolution 2248 (2015) of 12 November 2015, in which, inter alia, the Council invited the Secretary-General to deploy a team to Burundi to coordinate and work with the Government of Burundi, the African Union and other partners, the Secretary-General's appointment of a special adviser on conflict prevention to focus on Burundi, and the letter dated 1 December 2015 from the Secretary-General addressed to the President of the Security Council on the situation in Burundi,[1]

Welcoming also the adoption by the African Union Peace and Security Commission on 13 November 2015 of its decision on the situation in Burundi, in which it expressed its deep concern about the prevailing insecurity and violence in the country and its humanitarian consequences, its strong condemnation of the human rights violations and abuses committed and its strong condemnation of inflammatory statements made by Burundian political leaders, which have the potential of aggravating the current tensions and creating conditions of violence of untold consequences for Burundi and the region; expressing its determination to address these issues; and outlining the efforts of the African Union to, inter alia, appoint human rights observers and military experts, launch a thorough investigation of violations and abuses of human rights, impose sanctions against those who contribute to the persistence of violence and impede the search for a solution, undertake contingency planning, and further mediation efforts aimed at the resumption of dialogue to resolve these issues,

Taking note with appreciation of the joint statement on Burundi of 12 November 2015 by the Deputy Secretary-General of the United Nations, the Chairperson of the African Union and the European Union High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission,

Taking note with appreciation also of the statement of the Special Adviser on the Prevention of Genocide about Burundi on the first International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime on 9 December 2015, and also noting the importance of ensuring respect for human rights and the rule of law to mitigate the risk of atrocity crimes being committed,

Taking note with appreciation further of the statement made on 13 November 2015 by a group of special procedure mandate holders, in which they noted that the situation in Burundi continued to deteriorate with daily reports of serious human rights violations, including extrajudicial killings, arbitrary arrests and detentions, torture, attacks on independent media and the harassment and killing of human rights defenders, unjustified limitations on freedoms of peaceful assembly and expression, adding to more than 200,000 persons displaced by violence,

Emphasizing that an inclusive, internationally mediated dialogue and the disarmament of all illegally armed groups and individuals constitute fundamental elements that contribute to the prevention of further violations and abuses of human rights in Burundi,

Stressing the urgency of convening an inter-Burundian dialogue in coordination with the Government of Burundi and all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis, taking note of the establishment of the National Commission for the inter-Burundian Dialogue, and stressing the importance that the Commission be inclusive, transparent and convened promptly,

[1] S/2015/926.

Calling for the reinforcement of regionally led mediation efforts, including those of the East African Community and the African Union, calling also for consultations with the Government of Burundi and other stakeholders, and underlining the need to expedite the preparatory process of the dialogue, including the convening of a pre-dialogue consultation involving all relevant international facilitators, to ensure an adequate preparation of the inter-Burundian dialogue and its success,

Expressing deep concern about recent extrajudicial killings and attempted killings, including those relating to the attacks of 11 December 2015, the killings of Pierre Claver Mbonimpa's son-in-law in October and of his son in November, and the non-fatal shooting of Mr. Mbonimpa himself in August, taking note of the record of judicial process related to these incidents, and encouraging the Burundian authorities to allow or to conduct thorough and independent investigations of all such incidents, ensuring that all perpetrators of extrajudicial killings are brought to justice,

Expressing deep concern also about the recent reports of suspension of more than 10 civil society organizations, the harassment of publishers of independent media, including of the newspaper *Iwacu*, and the ongoing closure of the radio stations Radio Publique Africaine, Isanganiro and Bonesha since June 2015, and urging the Burundian authorities to create and maintain, in law and in practice, a safe and enabling environment in which journalists and civil society can operate free from hindrance and insecurity,

Reaffirming that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights, and urging the Government of Burundi to be mindful of these standards,

1. *Expresses its deep concern* about the deterioration of the human rights and humanitarian situation in Burundi, and underscores that the promotion and protection of human rights should remain central to any solution to the crisis in Burundi;

2. *Calls upon* the Government of Burundi to respect, protect and guarantee all human rights and fundamental freedoms for all, in line with the country's international obligations, to adhere to the rule of law and undertake transparent accountability for acts of violence, and to cooperate fully with the Office of the United Nations High Commissioner for Human Rights in the fulfilment of its mandate;

3. *Strongly urges* all actors to create a climate conducive to the promotion of a genuine and inclusive dialogue, including the meaningful participation of women, based on respect of the Arusha Agreement in order to reach a consensual political solution which would aim to preserve peace, strengthen democracy and ensure the enjoyment of human rights for all in Burundi;

4. *Strongly condemns* the ongoing serious violations and abuses of human rights in Burundi by all actors, particularly the restrictions on freedom of expression, including of the media, and freedom of peaceful assembly and association, and those involving excessive use of force by the security forces against demonstrators and other civilians, including the use of live ammunition against protesters, resulting in deaths, extrajudicial killings, the arbitrary detention of protesters, acts of torture and ill-treatment against detainees, the harassment and intimidation of human rights defenders, members of the opposition and journalists, including by armed youth groups affiliated with political parties, including the majority party, and retributive acts of violence, including targeted assassinations, and the climate of impunity in which these acts are committed;

5. *Reiterates its firm condemnation* of all violations and abuses of human rights by all parties, and of the incendiary statements of some actors in the country;

6. *Deplores* that recent weeks have witnessed a worrying resurgence in and escalation of violence and a drastic increase in human rights violations and abuses;

7. *Strongly denounces* all parties whose actions contribute to the persistence of violence and hinder the promotion of a peaceful solution to the crisis, including armed groups, such as the Imbonerakure;

8. *Calls upon* the Government of Burundi and other parties to refrain from any statements or actions that could exacerbate tensions and to publicly condemn any such statements so as to take into account the best interests of the country and to respect fully the letter and spirit of the Arusha Agreement, a backbone for peace and democracy;

9. *Calls upon* the Burundian authorities to undertake to protect the people of Burundi against unlawful acts of intimidation and violence, and to respect, protect and promote all human rights and fundamental freedoms for all, in line with the country's international obligations, and to adhere to the rule of law and promote transparent accountability for all human rights violations and abuses;

10. *Also calls upon* the Burundian authorities to conduct thorough and independent investigations of serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account;

11. *Further calls upon* the Burundian authorities to ensure equitable political processes and to enable the holding of free, fair and transparent democratic elections;

12. *Welcomes* the efforts made at the regional and subregional levels, including by the East African Community and the Peace and Security Commission of the African Union, to monitor the situation of human rights in Burundi and to contribute to its improvement;

13. *Expresses its deep concern* about the difficult situation of the more than 220,000 Burundian refugees who have fled to neighbouring countries and the countless internally displaced persons, and calls upon receiving countries and the international community to continue to provide protection and assistance, while noting with satisfaction the progress regarding the voluntary return of refugees;

14. *Welcomes in particular* the urgent deployment and work of the African Union human rights observers to Burundi, the deployment by the African Commission on Human and Peoples' Rights of a fact-finding mission to Burundi, and the final communiqué of 13 December 2015 of the fact-finding mission of the African Commission on Human and Peoples' Rights, and calls upon the Burundian authorities to cooperate fully with these officials and to grant them access necessary to the discharging of their mandate;

15. *Encourages* the Government of Burundi to cooperate with the regionally led mediation to enable it to immediately convene an inclusive and genuine inter-Burundian dialogue involving all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis;

16. *Decides* to enhance the interactive dialogue on the human rights situation in Burundi, called for by the Human Rights Council in its resolution 30/27, at its thirty-first and thirty-third sessions so as to include the participation of other stakeholders, in particular representatives of the African Union, the African Commission on Human and Peoples' Rights, civil society and relevant special procedures addressing human rights in Burundi;

17. *Requests* the United Nations High Commissioner for Human Rights to urgently organize and dispatch on the most expeditious basis possible a mission by independent existing experts:

(a) To undertake swiftly an investigation into violations and abuses of human rights with a view to preventing further deterioration of the human rights situation;

(b) To make recommendations on the improvement of the human rights situation and on technical assistance to support reconciliation and the implementation of the Arusha Agreement;

(c) To engage with the Burundian authorities and all other relevant stakeholders, including United Nations agencies, civil society, refugees, the field presence of the Office of the High Commissioner in Burundi, authorities of the African Union, and the African Commission on Human and Peoples' Rights, in particular with a view to help the State to fulfil its human rights obligations, to ensure accountability for human rights violations and abuses, including by identifying alleged perpetrators, to adopt appropriate transitional justice measures and to maintain the spirit of the Arusha Agreement;

(d) To ensure the complementarity and coordination of this effort with other efforts of the United Nations, the African Union and other appropriate regional and international entities, drawing on the expertise of the African Union and the African Commission on Human and Peoples' Rights to the extent practicable;

(e) To have a representative of the experts issue an oral update and participate in an enhanced interactive dialogue on the human rights situation in Burundi at the thirty-first session of the Human Rights Council, and to issue a final report and participate in an enhanced interactive dialogue on the human rights situation in Burundi at the thirty-third session;

18. *Requests* that the Office of the High Commissioner be provided with all necessary resources to fulfil this mandate;

19. *Decides* to remain seized of the matter.

2nd meeting
17 December 2015

[Adopted without a vote.]

II. Organization of work of the twenty-fourth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council

2. On 11 December 2015, the Representative of the United States of America to the Human Rights Council requested the convening of a special session of the Human Rights Council on 17 December 2015 on preventing further deterioration of the situation of human rights in Burundi (see A/HRC/S-24/1).

3. The above-mentioned request was supported by 18 States Members of the Human Rights Council: Albania, Argentina, El Salvador, Estonia, France, Germany, Ghana, Ireland, Japan, Latvia, Mexico, Montenegro, the Netherlands, Portugal, the Republic of Korea, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The request was also supported by 26 observer States of the Council: Australia, Austria, Belgium, Bulgaria, Canada, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, Monaco, Norway, Panama, Poland, Romania, Slovakia, Slovenia, Spain and Sweden.

4. In addition, the request was also supported by the following observer States: Chile, Ukraine and Uruguay.

5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on the conduct and organization of the special session on 16 December 2015, and the special session on 17 December 2015.

A. Opening and duration of the session

6. The Human Rights Council held its twenty-fourth special session at the United Nations Office at Geneva on 17 December 2015. It held two meetings during the session.

7. The twenty-fourth special session was opened by the President of the Human Rights Council.

B. Attendance

8. The special session was attended by representatives of States Members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its organizational session of the ninth cycle, on 8 December 2014, the Human Rights Council elected the following officers, who also served as officers for the twenty-fourth special session:

President:	Joachim Rücker (Germany)
Vice-Presidents:	Juan Esteban Aguirre Martínez (Paraguay) Filloreta Kodra (Albania) Mukhtar Tileuberdi (Kazakhstan)
Vice-President and Rapporteur:	Mothusi Bruce Rabasha Palai (Botswana)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 16 December 2015 in preparation for the twenty-fourth special session.

11. At its 1st meeting, held on 17 December 2015, the Human Rights Council considered the organization of its work, including speaking time limits, which would be three minutes for statements by States Members of the Council and two minutes for statements by observer States of the Council, observers for non-Member States of the Council and other observers. The list of speakers would be drawn up in chronological order of registration. States Members of the Council would be given the floor first, followed by observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Human Rights Council resolution 5/1.

E. Resolution and documentation

13. The resolution adopted by the Human Rights Council at its twenty-fourth special session is reproduced in chapter I of the present report.

14. The list of documents issued for the twenty-fourth special session is contained in the annex to the present report.

F. Statements

15. At the 1st meeting, on 17 December 2015, the United Nations High Commissioner for Human Rights made a statement.

16. At the same meeting, the Special Adviser of the Secretary-General on the Prevention of Genocide, Adama Dieng, made a statement.

17. Also at the same meeting, the Chair of the Coordination Committee of Special Procedures of the Human Rights Council, Michael K. Addo, made a statement on behalf of the Coordination Committee.

18. At the same meeting, the African Union Commissioner for Political Affairs, Aisha Laraba Abdullahi, made a statement on behalf of the African Union Commission.

19. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

20. At the same meeting, on the same day, statements were made by the following States Members of the Human Rights Council: Algeria, Argentina, Bolivia (Plurinational State of), Brazil, China, Estonia, France, Gabon, Germany, Ghana, Ireland, Japan, Kenya,

Luxembourg* (on behalf of the European Union and Albania, Bosnia and Herzegovina, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Mexico, Montenegro, the Netherlands, Nigeria, the Republic of Korea, the Russian Federation, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

21. At the same meeting, statements were made by the following observer States of the Human Rights Council: Angola, Australia, Austria, Belgium, Canada, Chile, the Democratic People's Republic of Korea, Djibouti, Egypt, Greece, the Holy See, Iran (Islamic Republic of), Liechtenstein, Norway, Panama, Slovenia, Spain, Switzerland, Turkey and Uruguay.

22. At the 2nd meeting, on the same day, statements were made by the following:

(a) Observer States of the Human Rights Council: Croatia, Democratic Republic of the Congo, Ecuador, New Zealand, Sudan, Uganda, United Republic of Tanzania;

(b) Observers for intergovernmental organizations: International Organization of la Francophonie;

(c) Observers for non-governmental organizations: Amnesty International, Caritas Internationalis (International Confederation of Catholic Charities), Centre indépendant de recherches et d'initiatives pour le dialogue (CIRID) (also on behalf of Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE Internationale)), CIVICUS – World Alliance for Citizen Participation (also on behalf of the East and Horn of Africa Human Rights Defenders Project), Dominicans for Justice and Peace – Order of Preachers, East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, International Federation for Human Rights Leagues, International Service for Human Rights, Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, World Evangelical Alliance.

G. Action on the draft proposal

23. At the 2nd meeting, on 17 December 2015, the representative of the United States of America introduced draft resolution A/HRC/S-24/L.1, sponsored by the United States of America. Subsequently, Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, the Central African Republic, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

24. At the same meeting, on the same day, the representative of the Netherlands, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

25. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

26. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated

* Observer of the Human Rights Council speaking on behalf of Member and observer States.

administrative and programme budget implications of the draft resolution. The Chief of the Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement in relation to the budgetary implications of the draft resolution.

27. Also at the same meeting, the draft resolution was adopted without a vote. For the text of resolution S-24/1 as adopted, see chapter I.

III. Report of the Human Rights Council on its twenty-fourth special session

28. At its 2nd meeting, on 17 December 2015, the Human Rights Council adopted the report on its twenty-fourth session ad referendum and entrusted the Rapporteur with its finalization.

Annex

Documents issued for the twenty-fourth special session of the Human Rights Council

In the general series

A/HRC/S-24/1	Letter dated 11 December 2015 from the Representative of the United States of America to the Human Rights Council addressed to the President of the Council
A/HRC/S-24/2	Report of the Human Rights Council on its twenty-fourth special session

In the limited series

A/HRC/S-24/L.1	Preventing the deterioration of the human rights situation in Burundi

In the non-governmental series

A/HRC/S-24/NGO/1	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/S-24/NGO/2	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status